



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 14, 2009

SUBJECT: **2008-1229 - Culture Links, Inc.** [Applicant] **Steven Hopkins Trustee & Et Al** [Owner]: Application for a property located at **1055 Sunnyvale-Saratoga Road** (near W. Remington Dr) in an R-2 (Low-Medium Density Residential) Zoning District.

Motion Use Permit to allow an after school day care use located in an existing office building.

REPORT IN BRIEF

Existing Site Conditions Office Building

Surrounding Land Uses

North	Medical Office Building
South	Single Family and Multi-Family units
East	Multi-Family units
West	Single Family units

Issues Parking

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with Conditions.

PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low-Medium Density	Same	Residential Low-Medium Density
Zoning District	R-2	Same	R-2
Lot Size (s.f.)	43,996	Same	8,000 min.
Gross Floor Area (s.f.)	13,520	Same	19,798 max without PC review
Gross Floor Area of Tenant	3,215	Same	N/A
Floor Area Ratio (FAR)	31%	Same	45% max without PC review
No. of Buildings On-Site	1	Same	N/A
No. of Stories	1	Same	2 max.
Landscaping (sq. ft.)			
Total Landscaping	8,800 (20%)	Same	8,800 min. (20%)
Parking			
Total Spaces		Same	min.
Standard Spaces	60	Same	56 min.
Compact Spaces/ % of Total	0	Same	9 max.
Accessible Spaces	1	Same	3 min.
Bicycle Parking	0	Same	0 min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

Cultural Links has applied for a Use Permit to operate an after school day care in an existing building. The day care would serve students, grades K through 8th, after school from 3:30pm – 6:30pm. No extended care would be offered either before or after the 3:30pm – 6:30pm time nor at any time of the weekend. The maximum capacity of the school would be 48 students with a maximum of four full-time staff positions.

The proposed school would operate on a year round basis, with student enrollment the greatest during the regular school year session beginning in September and ending in mid-June. An optional summer session would start in early July and end in mid-August.

Background

There are no previously related applications.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions includes existing facilities.

Use Permit

Site Layout: The existing 13,520 square foot building is comprised of approximately nine tenant spaces. The school would be located in two existing tenant spaces totaling 3,215 square feet. The other tenant spaces are currently being utilized by office and medical office uses.

The applicant is not proposing any major physical improvements to the interior or exterior of the building. Some cosmetic changes are proposed for the interior of the building such as new paint, carpet, and tile. No outdoor recreation or children's playground area is proposed nor required at this time.

Parking/Circulation: There are currently 60 parking spaces on site, of which one is an accessible space. The total parking required for the site is 56 spaces. The following table reflects the total parking required:

Total Parking Required - 1055 Sunnyvale-Saratoga				
Suite	Use	Sq. Sf.	Parking Ratio	Total Spaces Required
Suite 1A	Office	950	1/225	4.2
Suite 1B	Office	1,386	1/225	6.2
Suites 2 and 4		3,215	1/14 + 1/employee (48 students + 4 employees)	7.5
Suite 5 - vacant	Medical	961	1/200	4.8
Suite 7	Office	1,163	1/225	5.2
Suite 8	Medical	1,512	1/200	7.6
Suite 9 - vacant	Medical	888	1/200	4.4
Suite 10 - vacant	Medical	652	1/200	3.3
Hallways	--	2,793	1/225	12.41
Total Parking Required				56

The site currently has one accessible space where three spaces are the minimum required. A condition of approval has been added to require the addition of two spaces.

Compliance with Development Standards/Guidelines: The proposed project complies with current development standards with the exception of the required accessible parking previously discussed. No further improvements are required at this time.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 151 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> Posted on the City of Sunnyvale's Web site Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> Posted on the City's official notice bulletin board Posted on the City of Sunnyvale's Web site

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Recommended Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit with the Conditions of Approval found in Attachment 2.
2. Approve the Use Permit with modified Conditions of Approval.
3. Deny the Use Permit.

Recommendation

Recommend Alternative 1: Approve the Use Permit with the Conditions of Approval found in Attachment B.

Prepared by:



Steve Lynch
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter of Justification from the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element: The Neighborhoods Policies

Policy N1.3 - *Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

Policy N1.14 - *Support the provision of a full spectrum of public and quasi public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.*

Socio-Economic Element: Education and Training

Goal E - *Support efforts to improve the availability and quality of education made available in Sunnyvale.*

Policy E.6 - *Support and/or consider the feasibility of attracting higher education into Sunnyvale and the region.*

Goal F - *Provide job training and employment services, within constraints of operative federal regulations and available federal funding, to address the locally-determined employment and training needs of economically disadvantaged residents and others with special needs.*

Action Statement F.1c - *Develop program alternatives to address the unique needs of special populations, such as youth, seniors, the disabled, welfare recipients and others.*

Action Statement F.1e - *Cooperate to the maximum extent feasible with other Federal, State and local agencies providing similar services or serving common clients.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project is a desirable use for the City that will provide a service to the City that cannot be provided by similar public schools.

Cultural Links will be appropriately located in a zone where the school will be compatible with the surrounding residential uses. There are a limited number of sites in the City where after school day care uses can be located without adversely affecting surrounding businesses and

residents. This site is appropriate since the building exists and since the site was originally built as an office building.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the project does not propose any significant site or building improvements that would be noticeable to the surrounding neighborhood. Staff has determined that there would not be any significant impacts to the surrounding properties, including traffic impacts, as a result of the use.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Use Permit document prior to issuance of the building permit.
- B. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission. Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- C. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- D. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project.
- E. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- F. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building Permits for all tenant improvements related to this use, including the change of occupancy type.

3. OPERATIONS

- A. The maximum number of students at any given time shall not exceed 50.
- B. All students shall be school age students grades K-8th grade.
- C. The hours of operation shall not exceed 3:00pm – 6:30pm, Monday through Friday.

4. LANDSCAPING

- A. All landscaping shall continue to be maintained in a neat, clean, and healthful condition.

5. PARKING

- A. At no time shall the number of students, employees, and teachers exceed the total number of available parking spaces on site.
- B. Employees shall be required to park on the site.
- C. The parking lot striping shall be modified to include three accessible parking spaces. A Building permit is required for this restriping.

6. RECYCLING AND SOLID WASTE

- 1. Per zoning code 19.38.030, a refuse/recycling enclosure shall be provided.
- 2. Equal space shall be provided for recycling and refuse within enclosure.
- 3. All exterior recycling and solid waste shall be on masonry construction and shall be confined to approved receptacles and enclosures.
- 4. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.

7. FIRE REGULATIONS

- A. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, Title 19 California Code of Regulations.
- B. Provide approved fire extinguishers (minimum size of 2A10BC).
- C. This will become a Group 'E' (Educational) occupancy, which may require building construction different than what is currently existing (i.e. rated walls). Please consult your architect and consult with the Building Safety Division and Fire Protection Engineering to determine if changes will be required.
- D. All other provisions of the CFC and CBC for Group 'E' occupancies shall apply.
- E. There is insufficient information on the plans to determine if a tenant improvement will occur. A tenant improvement may trigger the requirement for a fire sprinkler system/fire alarm system if not already present.
- F. Need occupancy load calculations for each room to determine exiting requirements.
- G. Prior to any combustible construction or materials on site, provide fire access drives and operational on-site fire protection systems if applicable. (Chapter 14 CFC).

8. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code and require separate review and permits.

9. STORAGE

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
- B. Unenclosed storage of any kind shall be prohibited on the premises.
- C. All exterior trash shall be confined to approved receptacles and enclosures.

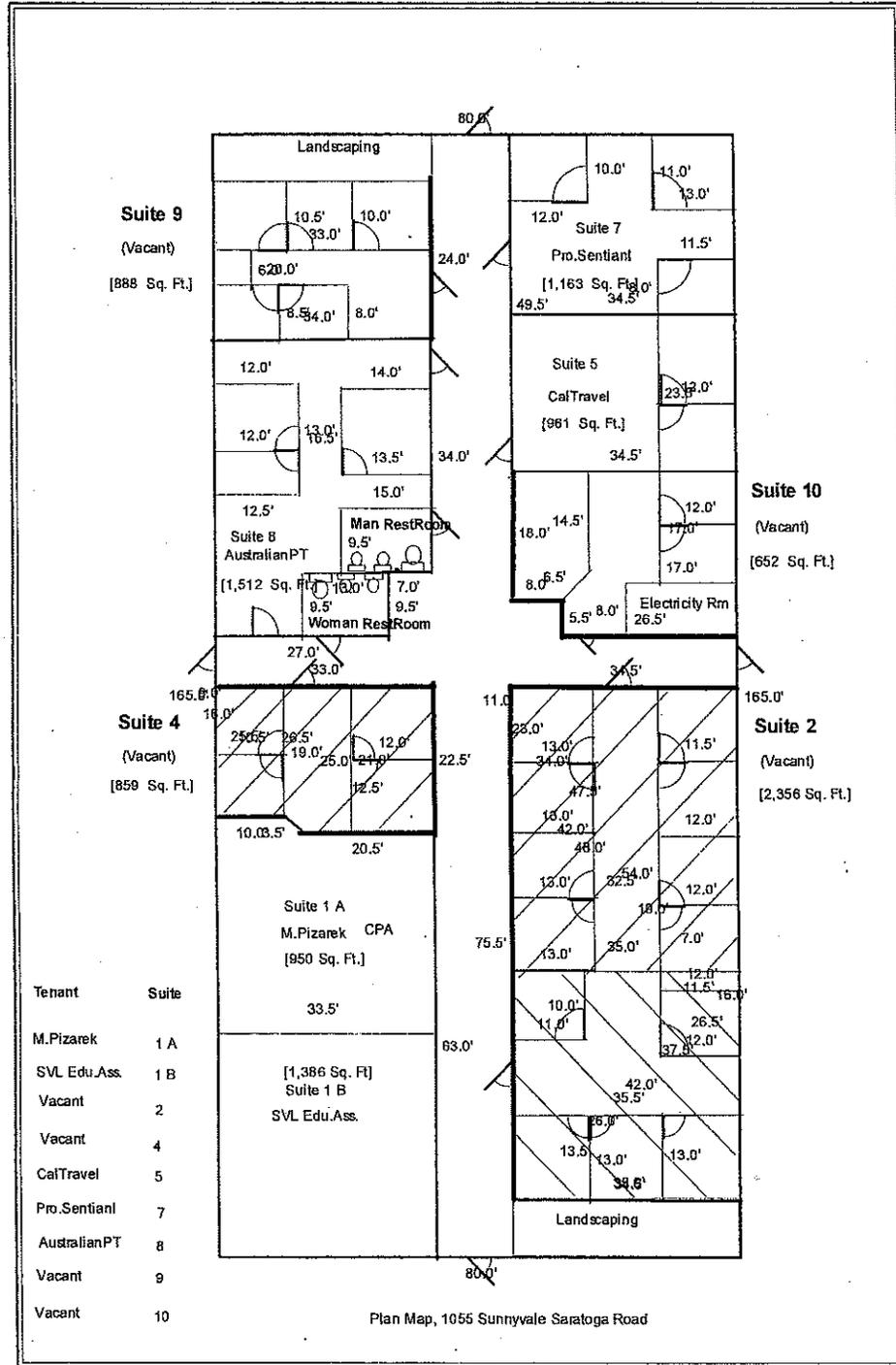
10. PUBLIC WORKS

1. The owner/developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.
2. All public improvements shall be installed per City's design standards pursuant to Sunnyvale Municipal Code Sections 18.12 unless otherwise approved by the Director of Public Works.
3. All public improvement plans shall be submitted to and be approved by the Department of Public Works.
4. Any existing deficient public improvements shall be upgraded to current City standards as required by the Director of Public Works.
5. Obtain a separate encroachment permit with insurance requirements for all public improvements.
6. Provide the Public Works Department with a detailed estimate of water consumption in gallons per day and peak water demand in gallons per minute, and estimate of sanitary sewer generation in gallons per day.
7. If applicable, install cleanout(s) at the property line.
8. Upgrading to new radio-read disk-type water meters shall be required.
9. If applicable, upgrade/install an approved backflow prevention device on the discharge side of the irrigation, domestic (non-residential) and fire service meters.

11. MISCELLANEOUS

1. A parking management plan is required to be submitted and approved by the Director of Community Development prior to occupancy of the tenant space.

Borrower							
Property Address	1055 Sunnyvale-Saratoga Road						
City	Sunnyvale	County	Alameda	State	CA	Zip Code	94087
Lender/Client	Address						

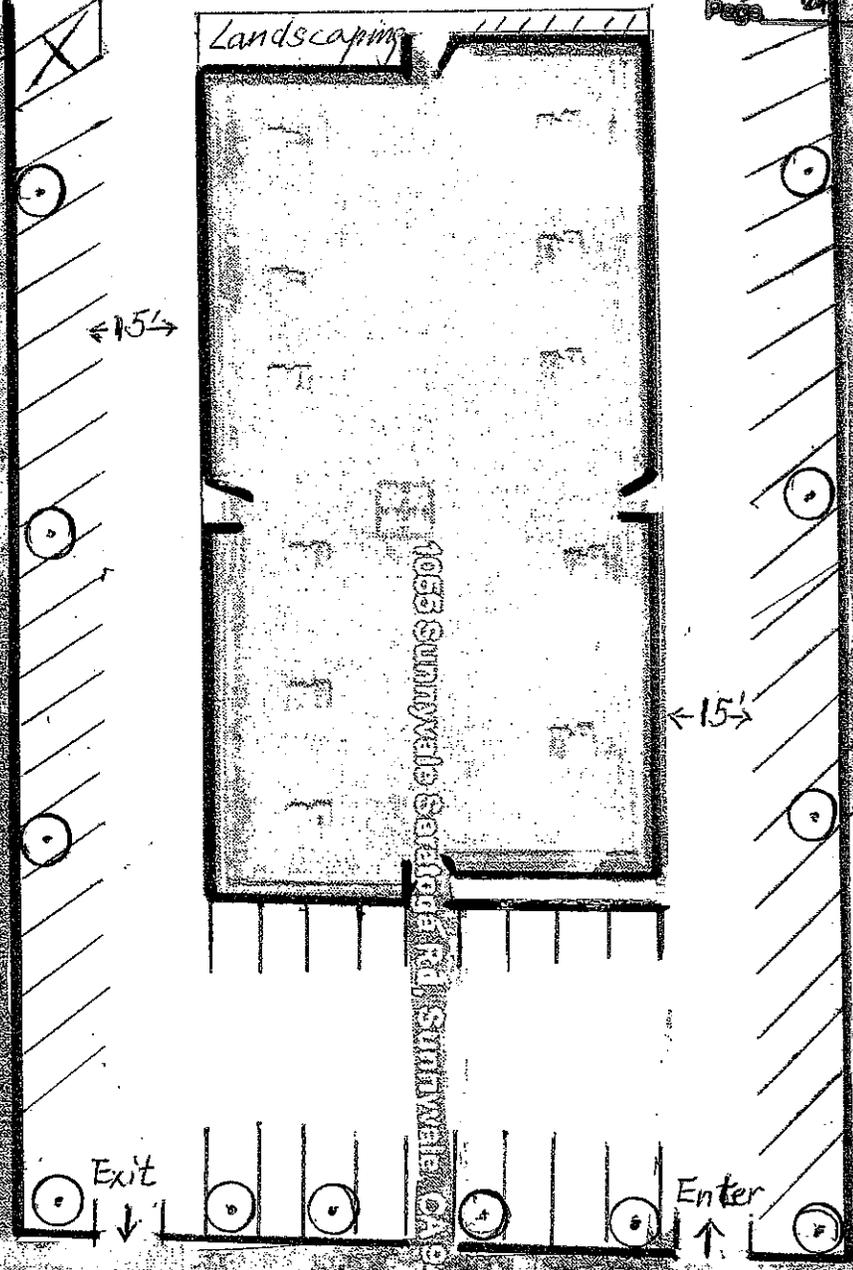


Floor Plan

Parking: Total 57 spaces (18-Front; 20-Life, 19-Right)

Landscaping

ATTACHMENT
Page 2 of 3

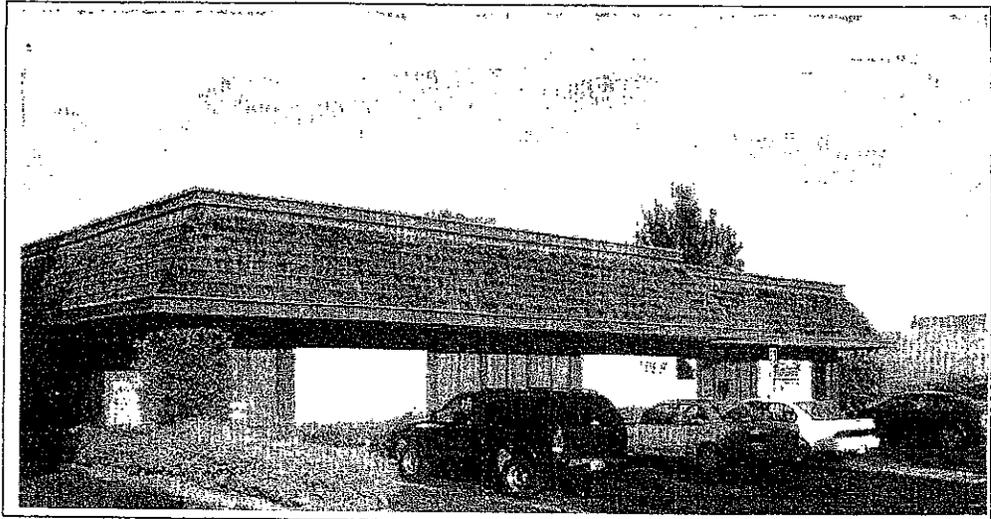


Sunnyvale-Santa Clara Rd

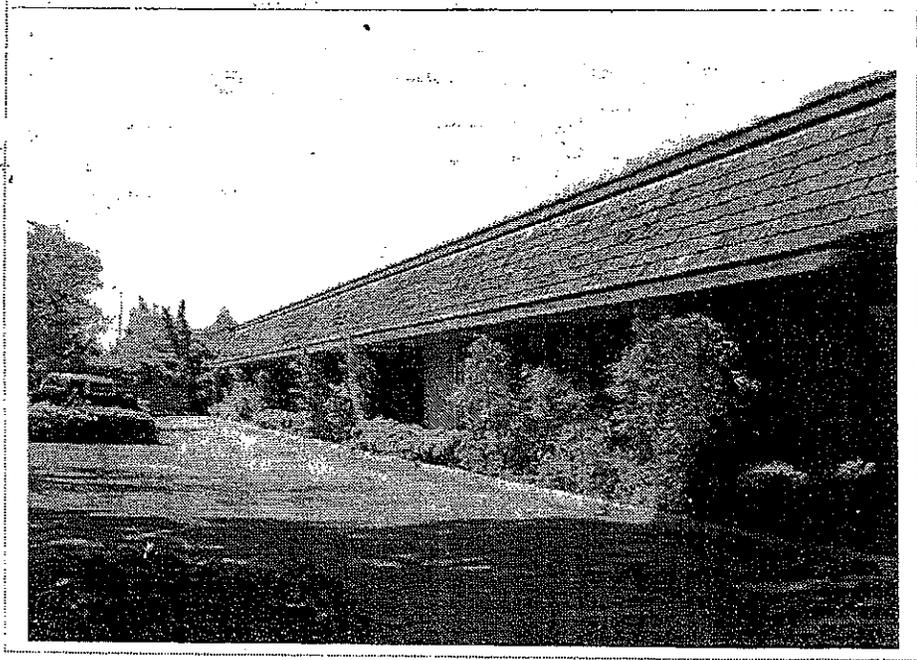
Site Plan

Hand-drawn site plan

OWNER-USER/INVESTOR OPPORTUNITY



1055 SUNNYVALE - SARATOGA ROAD, SUNNYVALE, CA.



Building Side

The side elevation of the building

Nov. 18, 2008

Planning Department
 City of Sunnyvale
 456 W. Olive Ave
 Sunnyvale, CA 94086

Re: Use Permit Application for: 1055 Sunnyvale-Saratoga Rd. Sunnyvale, CA 94087

Dear City Planning Department,
 CulureLinks Inc. is under the process of purchasing the property located at 1055 Sunnyvale-Saratoga Rd., Sunnyvale (1.01 Acres/12,800sf). We are submitting the following Use Permit Application for the property. The following is the information about our program.

1. Who We Are

We are an after school day care program. Currently, we have three locations in both City of Palo Alto and City of Mt. View. Our students are mainly from local school districts including Palo Alto Unified School District, Mt. View District, and Los Altos School District. For the past 6-7 years, our program has earned a high reputation from local community. We have received increasing demand from parents of Sunnyvale. We are searching an opportunity to expand our program in your city.

2. Student Age and Student Number

We service school age students (Grades K- 8);
 Student number: 48

3. Program Hours and Number of Employees

Our program current daily operation hour is: 3:30pm -6:00pm. We will have 1:14 teacher and student ratio. The maximum employees will be 4.

The following table is daily schedule looks like:

Time	Monday	Tuesday	Wednesday	Thursday	Friday
3:15-3:30pm	Student Arriving Time (by car pool only)				
3:30-4:30pm	Structured Activity Time				
4:30-5:30pm	Home Work Time				
5:30-6:00pm	Parents' pick up. Ready for closing.				

4. Other General Conditions

1) Student transportation method.

We have a volunteer parent/teacher coordinated car pool group to pick up most of students (80-90%) from local schools since most of our parents are working parents who can't pick up their kids during the day time. For few individual students who may choose their own way (walk, bicycle, or own car). But, most of our students are arranged by car pool efforts.

2) Any possibility the hours of operation will exceed?

Our program starts 3:30pm, and ends 6:00pm. But a few individual students may arrive earlier, or be picked up later than 6:00pm. But, we will have an office in the same location with a staff for operation hour from noon to 6:30pm. Individual students will have to be in office before or after the operation hours.

3) Any possible weekend operation?
 No plan at current stage for weekend operation.

4) Any modifications to the building?
 No plan to do any modification before all current tenants' lease expires in 2009. Current bath rooms have disability access. We will submit a separate modification application to do the changes later if we plan to make any building modification.

5. Facility Outdoor/Indoor Space Arrangement

For the short hour daily after school operation, the program is not required to have outdoor space. We will not have outdoor space. The program doesn't need to have a special designated drop-off area. But, we will reserve 3 front parking spaces (the most right side 3 spaces in front of the building) for student drop-off parking usage.

For the indoor space, the facility has the following configuration:

Suite #	Size	Leased Tenant	Current Status	Parking 1/225sf 1/200sf-Medical
Suite# 1A	950sf	M. Pizarek, CPA	Leased	950/225=4 spaces
Suite# 1B	1386sf	SVL	Leased	1386/225=6 spaces
Suite# 2	2356sf	Our future activity room 1 & 2	Vacant	48/14=3 spaces
Suite# 4	859sf	Our future office	Vacant	4 staff = 4 spaces
Suite# 5	961sf	Future for lease	Vacant	961/225=4 spaces
Suite# 7	1163sf	Project Sentinal	Leased	1163/225=5 spaces
Suite# 8	1512sf	Australian P.T.	Leased	1512/200=8 spaces
Suite# 9	888sf	Future for lease	Vacant	888/225=4 spaces
Suite# 10	652sf	Future for lease	Vacant	652/225=3 spaces
Total program space:	3215sf			7 parking spaces

Note: Total 57 parking spaces. Our program spaces according to the City requirement: 7 spaces; The rest of office parking Spaces needed in total according to the City requirement: 34 - 37 (if rest remaining offices are all medical offices).

5. Why we need new facility in Sunnyvale

For the past few years, our Mt. View facility (2094 Grant Rd., Mt. View 94040) has been taking all Sunnyvale students. But, for the current year, our Mt. View facility is fully occupied. It will have no room for Sunnyvale students soon. We have to expand our Mt. View program to Sunnyvale location in order to continue serving Sunnyvale students.

6. Exemptions for the Licensing

We will expand a school age day care program from our Mt. View site to Sunnyvale site. The program for the Sunnyvale new facility will be the same as Mt. View's operation -- under the Status of License Exemption Regulation from State Social Services, Community Care Licensing. This is a program with short daily operation hours (only afternoon hours) that has been reviewed and determined to be exempt for licensure by the State of California Department of Social Service under 1596.792(g)(1)(A) of Code of Regulations since 2002. Building E occupancy standard is for a licensed day care only; and it should be also waived by the same Licensing standard for a short daily operation like us.

7. Environment Impact Analyzing

1) Transportation/Traffic Consideration

Because each school has own different dismiss/bell schedule. Our students will be arriving to the site at different times based on it's own school dismissal time (For example: Stratford School dismiss time is 3:00pm; Cherrychase school dismiss time is 2:30pm). So, the proposed use will not generate traffic.

2) Parking Calculations

City of Sunnyvale Parking Space Requirement for day care is:

1 space for 14 students, plus

1 space for each teacher.

This standard requires our program to have:

$48\text{students} / 14\text{students} = 3.4$ spaces, plus

4 spaces for 4 teachers.

Total $3.4 + 4 = 7.4$ spaces

The property has total 57 parking spaces. Our program will occupy about 30% of entire building ($3215\text{sf}/10727\text{sf}=30\%$); but, our program will only occupy about 13% ($7.4/57$) of parking space.

The remaining space $(10727\text{sf} - 3215\text{sf}) / 200\text{sf}$ (parking space for medical office)=37spaces.

So, by Sunnyvale city Parking Standards, the entire property with our program should have total 7.4 (our program) + 37 (assume the all remaining offices are medical offices wit higher standard)= 44.4 spaces. It still have $57-44 = 13$ spaces left.

3) Drop-off Escort

Drop-off students by any car pool van will be under the escort of duty teacher at parking lot to make sure the safety of students.

4) Trash Contain and Dumping location

The property management is providing the waste and recycling containers to all tenants, and that containers are stored in a central enclosure on the property (marked as "X") on the site plan.

8. Justifications

The proposed use will not be detrimental or injurious to property or improvements in the vicinity as there will be no change to the property or its structure.

The proposed use will not be detrimental to public health, safety, general welfare or convenience. We will continue to provide safety and comfort for the students.

The proposed use will not generate traffic for public roads. Our program will not have any negative impact to the neighborhood either.

The proposed use will be located and conducted in a manner in accordance with the City of Sunnyvale Comprehensive Plan, and the purpose of the Zoning Ordinance. The structure of existing and conforming as the building is not being changed in any manner. The building retains the character of the local neighborhood.

As a small business, your early approval will help us to start our business in your City quickly in order to be survived under the current financial crisis. Any assistance will be highly appreciated.

Sincerely,

Jane Yang ,
President of CultureLinks Inc.,
PO Box 3411
Los Altos, CA 94024
(408)838-3333